

## UNITED STATES DISTRICT COURT

for the

Western District of Virginia

APR 05 2016

BY: JULIA C. DUDLEY, CLERK  
DEPUTY CLERKUnited States of America  
v.David Christopher Martin  
204 N. MacDonald Avenue  
Covington, Virginia

Case No.

7:16 mij 50

Defendant(s)

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of April 4, 2016 in the county of Alleghany in the  
Western District of Virginia, the defendant(s) violated:

Code Section

Offense Description

18 USC 922 (u)

Theft of firearms from federal firearms licensee's inventory

This criminal complaint is based on these facts:

SEE ATTACHED AFIDAVIT

☒ Continued on the attached sheet.

Complainant's signature

Keith Teehan, ATF Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 04/05/2016

Judge's signature

City and state: Roanoke, Virginia

Robert Ballou, United States Magistrate Judge

Printed name and title

**AFFIDAVIT OF:**

Special Agent Keith Teehan

Bureau of Alcohol, Tobacco, Firearms and Explosives

I, Keith J Teehan, am a Special Agent with Bureau of Alcohol, Tobacco, and Firearms and Explosives (ATF) and have been since February 2009. I am currently assigned to the ATF Roanoke Field Office. I have successfully completed the Criminal Investigator Training Program and ATF Special Agent Basic Training at the ATF National Academy, held at the Federal Law Enforcement Training Center, Glynnco, Georgia. I have been employed in a Law Enforcement capacity since 1996 as a Deputy Sheriff, Police Officer and Special Agent. I have received training in various aspects of law enforcement, in particular arson, explosives, narcotics and firearms investigations. Since becoming an ATF Special Agent, I have provided sworn testimony before the Federal Grand Jury and in the U.S. District Court in reference to violations of the Federal Firearms laws. As a result of my training and experience as an ATF Special Agent, I am familiar with Federal criminal laws including violations of:

18 USC 922 (u): It shall be unlawful for a person to steal or unlawfully take or carry away from the person or the premises of a person who is licensed to engage in the business of importing, manufacturing, or dealing in firearms, any firearm in the licensee's business inventory that has been shipped or transported in interstate or foreign commerce.

The following information is provided in support of an Application and Affidavit for and Arrest Warrant for the person of David Christopher MARTIN, date of birth [REDACTED] 1975, social security number [REDACTED] who on or about April 4, 2016, is alleged to have stolen or unlawfully taken away from Mountain Top Hunting and Fishing, a federally licensed firearms dealer, firearms previously located licensee's business inventory that had been shipped or transported in interstate or foreign commerce. Your affiant participated in this investigation and is familiar with the information contained in this affidavit. I obtained the following information from ATF Special Agent Mike Cilento. I have not included all the facts relative to this investigation, but have only included those facts necessary to establish relevant probable cause.

*AKB*  
4/5/2016

1. On April 4, 2016 ATF Roanoke was contacted by the Covington, Virginia Police Department and requested assistance with a burglary which occurred at Mountain Top Hunting and Fishing. Mountain Top Hunting and Fishing is federally licensed firearm dealer located at 212 N. Monroe Avenue, Covington, Virginia. The Covington Police Department informed ATF that between April 3, 2016 at 1130 and April 4, 2016 at 0456 unknown subject(s) forced entry through a window in the front door of the business and that a large quantity of firearms had been stolen from Mountain Top Hunting and Fishing. The Covington Police Department received notice of the burglary through a 911 call which was received at 0456 hours.
2. On April 4, 2016 at approximately 1030 hours ATF Agents and Investigators from the Roanoke Field Office, including Special Agent Michael Cilento, responded to Mountain Top Hunting and Fishing. Upon arrival ATF Industry Operations Investigators began a complete inventory and were able to establish a preliminary list of missing firearms which included 43 handguns. ATF SA Cilento conducted an assessment of the scene and noted that entry was made by breaking a window on the front door, forcibly moving the bars that covered the window, and making entry through the opening. The scene indicated that the unknown suspect broke two firearms display cases and removed a quantity of firearms. There was blood located on the broken window area on the entry door as well as on a gun box located near the broken firearms cases. The front door was secured by a double keyed dead bolt style lock and no other ingress/ egress point were located on scene.
3. ATF Roanoke began a neighborhood canvas which involved checking local businesses for potential surveillance camera evidence. A local business was found to have video surveillance footage of a white male suspect, matching the description of David MARTIN, walking past the business at 0414 hours on April 4, 2016.
4. ATF SA Cilento, having worked a similar burglary in the Covington, Virginia area checked the status of his prior federal defendant David MARTIN. MARTIN was found to have been released from incarceration and living at 204 MacDonald Avenue, Covington,

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Virginia. MARTIN's address is located approximately 200 yards from Mountain Top Hunting and Fishing. MARTIN is an active federal probationer and was found to be employed by MPW Industrial Services in Covington, Virginia.

5. At the request of ATF SA Cilento, the Alleghany County Sheriff's Office canine team conducted a track from the area near Mountain Top Hunting and Fishing which lead the team directly to MARTIN's residence. While in the area of MARTIN's residence, a white female inside noticed law enforcement in the area and began making phone calls.
6. ATF SA Cilento contacted Source of Information #1 (SOI#1) who informed SA Cilento that MARTIN and seven other coworkers were on their way to Florida on a work related trip. SOI#1 further stated that the group was scheduled to leave on April 4, 2016 at 0500 but they were delayed due to MARTIN being late. SOI#1 stated that the group left the Covington, Virginia Area at 0600 on route to Florida. SOI #1 stated that this work related trip had been scheduled to occur for approximately two weeks.
7. ATF SA Cilento, with the assistance of SOI#1, was able to ascertain the location of the van with MARTIN inside and subsequently Law Enforcement Officers in Bloomingdale Georgia contacted MARTIN and the seven other individuals in the van and conducted a consensual search of the van yielding no contraband firearms. The van and the occupants, including MARTIN, were released.
8. ATF SA Cilento contacted Confidential Source of Information 2 (SOI#2) who was in the van with MARTIN traveling south from Virginia to Florida on interstate 95. SOI#2 informed SA CILENTO through a series of phone calls, that prior to being stopped by Police MARTIN was receiving several phone calls and text messages and informed SOI# 2 that the Police were looking for him. SOI#2 stated that MARTIN was confronted about being involved with the firearms theft and told that if he was involved that the firearms needed to be removed from the van. SOI#2 then stated that MARTIN said he would get rid of the "stuff" at the next stop. SOI#2 stated that the van stopped at a rest area south on I95 before Yemassee, SC. When the van stopped MARTIN exited the van with a red or


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black bag containing firearms and walked behind the bathroom building into at the rest area into a wooded area. SOI#2 stated MARTIN returned to the van without the bag of firearms. SOI#2 informed SA Cilento that MARTIN stated that once they have completed their work in Florida, MARTIN needed to stop at the rest stop to pick up the stuff that he hid there.

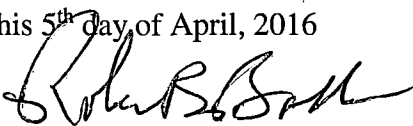
9. ATF SA Cilento inquired with SOI#2 as to if MARTIN had any injuries, specifically around his hands. SOI#2 stated that MARTIN fingers were "all cut up" and that MARTIN required the use of the medical kit to "patch him up".
10. ATF Roanoke requested assistance from ATF Charleston South Carolina. ATF South Carolina secured the rest stop believed to be the one described by SOI#2 overnight until a search could be conducted. On 04/05/2016, ATF Roanoke and ATF Charleston conducted a search of the area described by SOI#2 and a red bag containing twenty-four (24) firearms was located approximately 100-130 yards behind the bathroom building at rest stop 47 on interstate 95 south in South Carolina. ATF SSA Mark Kelly, ATF Charleston located the bag of firearms at 0715 hours. ATF SA Cilento took inventory of the recovered twenty Four (24) firearms which were confirmed to have been located on the inventory of Mountain Top Hunting and Fishing. All the firearms were unloaded, and many of the firearm still had sales tags located on them.
11. ATF SA Cilento provided information regarding the recovered firearms from Mountain Top Hunting and Fishing to ATF SA Teehan who is an ATF Firearms interstate Nexus Expert. SA Teehan determined that the aforementioned items are firearms, as that term is defined in Title 18 U.S.C., Chapter 44, Section 921(a)(3). These firearms were on the inventory of a federal licensed firearm dealer located in Covington, Virginia and subsequently recovered in South Carolina, and therefore, must have been shipped or transported in interstate and/or foreign commerce. Additionally, these firearms were not manufactured in the Commonwealth of Virginia, and therefore, must have been shipped or transported in interstate and/or foreign commerce prior to the entry of these item onto the inventory of the federal licensed firearm dealer in Covington, Virginia.

12. Based on my knowledge , training and experience, the information set forth in this Affidavit constitutes supportive evidence:

That David Christopher MARTIN, on or about April 4, 2016, did steal or unlawfully take or carry away from Mountain Top Hunting and Fishing, a federal Licensed firearms dealer, firearms in the licensee's business inventory that had been shipped or transported in interstate or foreign commerce. The aforementioned violations took place in Covington, Virginia, in the Western District of Virginia.

  
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Keith Teehan  
Special Agent, ATF

Sworn to and subscribed to me  
This 5<sup>th</sup> day of April, 2016

  
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Robert Ballou  
United States Magistrate Judge